

REMARKS

Before addressing the outstanding office action, the applicants would like to recap the proceedings in the parent application to this case, which issued as U.S. Patent No. 6,330,763. As the examiner is aware, an interference was provoked with the '763 patent by an application of Kalempa (U.S. Application Serial No. 10/039,381). That interference is U.S. Interference No. 105,151 and is ongoing. The interference has a single count, which pertains to claim 1 of the '763 patent only. No other claims from that case and no subject matter commensurate with the claims of the present case have been identified as corresponding to the interference count. In light of art raised by Kalempa during the interference, the applicants have filed a request for adverse judgment with respect to the count, on the belief that prior art renders the count invalid, and thus further prosecution of the interference as fruitless. The applicants expect the request to be granted and the interference closed in relatively short order. Nevertheless, the applicants wanted to notify the examiner in the present case of the status of that contemporaneous proceeding. Reference art from the interference proceeding is cited in an information disclosure statement filed with this response.

With respect to the outstanding office action in the present case, claims 1, 2, 4-11, 15, 28 and 29 are pending and at issue. Of these, claims 1, 15 and 28 are independent, the remaining claims depending therefrom. Each of these independent claims, and various dependent claims, stand rejected as anticipated by a patent to Allen (U.S. Patent No. 5,899,303). Separately, claims 4-6 stand rejected as obvious over Allen in combination with Clark. The applicants have carefully considered these rejections and respectfully traverse in light of the remarks outlined below.

Claim 1 recites a door for at least partially covering a doorway. The door includes a first door panel adapted to laterally translate along a plane relative to the doorway. The door also includes a first seal including a first sealing surface interposed between a first attachment end and a first distal end with the first attachment end being attached to the first door panel. To clarify the recitation of the first sealing surface, claim 1 has been amended to further recite "wherein the first sealing surface faces the plane." Claim 1 also recites a second seal disposed to allow relative movement between the first seal and the second seal. The

second seal including a sealing surface. Claim 1 also recites that "the first door panel in the doorway blocking position causes the first sealing surface to face the second sealing surface." Neither Allen nor Clark teaches the recited subject matter and thus the rejection of claim 1 is respectfully traversed.

The office action points to figures 10A, 10B, 12A and 12B of Allen as purportedly teaching the recited first seal and second seal. Per the office action, structures 106 and 107 extending from the side of panel 88 teach the claimed first seal, and the L-shaped member 100 teaches the second seal. Although the applicants have carefully considered this interpretation of Allen, the applicants note that the office action makes no reference to how any of the purported seals could be construed as teaching a first seal and second seal, such that the first door panel in the doorway blocking position "positions the second distal end between the first distal end and at least one of the first door panel in the attachment end," as recited in claim 1. The applicants see no indication in the office action of how the purported seals are construed as having this relationship, and in fact they do not appear to. As such, the applicants respectfully traverse the rejection as deficient for failing to show where each of the recited elements of the claims are taught in the prior art.

Nevertheless, the applicants have clarified the claim language, by amendment above, to recite that "the first sealing surface faces the plane" along which the door panel laterally translates. This is clearly not taught by Allen as each of the engaging surfaces of the various purported seals of Allen extend orthogonally to a plane containing the door. Thus, for this reason as well, the applicants respectfully traverse the rejection of claim 1 and request reconsideration. Furthermore, as claims 2 and 7-11 depend from claim 1, implicitly reciting the subject matter therein, and as these claims were also rejected as anticipated by Allen, the rejections of these claims are also traversed and reconsideration of their status is also requested.

The office action also rejects independent claim 15 as anticipated by Allen. And although the applicants have carefully considered the rejection, the applicants note that the office action fails to make reference to all the recited subject matter. For example, the office action makes no reference to where Allen teaches a first seal "having a sealing surface that faces the first door panel." The rejection would appear to be improper for this reason

alone. Furthermore, the fact remains that Allen does not teach sealing surfaces that face a door panel.

The applicants separately acknowledge that the office action makes no reference to the recitation in claim 15 of a "second seal in sliding relationship with the first seal." As with the language highlighted above, there is no suggestion of any teaching in Allen of such subject matter. And, indeed, there would appear to be no such teaching, as Allen's sealing structures appear to result from a blunt engagement of the two purported sealing members (e.g., from a left to right movement of one member into the other, which is held at a fixed position). Therefore, for this reason as well, i.e., for a lack of any suggestion as to where the prior art teaches the recited subject matter, the rejection of claim 15 is also traversed.

The office action also rejects claim 28 as anticipated by Allen. Claim 28 is somewhat similar to claim 15 and for example recites a first corner seal having a "first sealing surface that faces the first door panel." Thus, for reasons provided above, it is self-evident that Allen does not teach any such sealing surface. Additionally, the applicants note that claim 28 recites a second corner seal in a sliding relationship with the first corner seal, and as noted above, the office action points to nothing within Allen as teaching any seal having a sliding relationship with another seal. Because of these deficiencies, the office action rejection is improper and respectfully traversed. Reconsideration is requested.

Claims 4-6 also stand rejected as obvious over Allen in combination with Clark. Per the office action, Allen teaches all of the recited elements from the various claims, "except providing an actuation system for driving a door panel between an open and closed position." Of course, the applicants have noted above that indeed this is not the case with respect to Allen. Therefore, the rejections based on claims 4-6 are traversed for reasons already stated. Furthermore, the applicants note that while Allen clearly does not teach the recited first and second seals, the applicants have provided ample discussion of Clark in previous papers filed in this case that show that Clark is similarly deficient and does not teach the recited first and second seals. As such, it necessarily follows that the combination of Allen and Clark cannot teach the recited subject matter. The rejections of claims 4-6 are traversed. The applicants respectfully request reconsideration of these rejections.

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